

THE HONORABLE RONALD B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BANK OF AMERICA, N.A,

Plaintiff,

v.

BLACK HAWK, Official No. 515015, its  
Engines, Machinery, Appurtenances, etc.;  
*In Rem*;

and

SOUND FREIGHT LINES, INC., a  
Washington corporation; and KAY L.  
WASHBURN and DANIEL L.  
WASHBURN, individually and the marital  
community composed thereof;  
*In Personam*,

Defendants.

IN ADMIRALTY

Case No. 3:10-cv-05427 RBL

ORDER GRANTING MOTION FOR  
ORDER OF DEFAULT JUDGMENT IN  
REM AGAINST BLACK HAWK AND IN  
PERSONAM AGAINST SOUND  
FREIGHT LINES, INC., KAY L.  
WASHBURN AND DANIEL L.  
WASHBURN, AWARD OF  
ATTORNEYS' FEES AND COSTS, FOR  
ORDER OF SALE, AND FOR CREDIT  
BID AUTHORITY

THIS MATTER, having come before the Court upon the Plaintiff's motion for (1)  
a default judgment *in rem* against BLACK HAWK, Official No. 515015; (2) a default  
judgment *in personam* against Sound Freight Lines, Inc.; (3) a default judgment *in*  
*personam* against Kay L. Washburn; (4) a default judgment *in personam* against Daniel  
L. Washburn; (5) award of legal fees, costs and *in custodia legis* expense; (6) an order for

1. sale of the defendant vessel; (7) for credit bid authority; and (8) for satisfaction of all  
2. liens and encumbrances out of the proceeds of the sale.

3. After due consideration, the Court having reviewed the records and files herein  
4. and the Declaration of John E. Casperson, and being otherwise advised in the premises, it  
5. is hereby:  
6.

7. ORDERED that the Preferred Ship Mortgages of Bank of America on the  
8. BLACK HAWK, Official No. 515015, its engines, machinery, and appurtenances, etc., is  
9. hereby foreclosed; and it is further

10. ORDERED that Bank of America shall have judgment jointly and severally  
11. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,  
12. individually and against the marital community, and against the BLACK HAWK,  
13. Official No. 515015, its engines, machinery, appurtenances, etc., based on the August  
14. 2008 Note the amount of \$2,585,506.50, plus interest thereon through May 10, 2010 in  
15. the amount of \$56,252.12, plus per diem interest in the amount of at \$181.53 per diem  
16. from May 10, 2010 through November 8, 2010, plus a late fee of \$7,615.43, for a total  
17. principal and interest of \$2,682,412.51; and it is further  
18.

19. ORDERED that Bank of America shall have judgment jointly and severally  
20. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,  
21. individually and against the marital community, and against the BLACK HAWK,  
22. Official No. 515015, its engines, machinery, appurtenances, etc., based on the July 2001  
23. Note the amount of \$570,160.96, plus interest thereon through May 10, 2010 in the  
24. amount of \$1,046.18, plus per diem interest in the amount of at \$116.80 per diem from  
25.  
26.

1. May 10, 2010 through November 8, 2010, for a total principal and interest of  
2. \$592,464.74; and it is further

3.       ORDERED that Bank of America shall have judgment jointly and severally  
4. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,  
5. individually and against the marital community, and against the BLACK HAWK,  
6. Official No. 515015, its engines, machinery, appurtenances, etc., based on the February  
7. 2005 Note the amount of \$200,000.00, plus interest thereon through May 10, 2010 in the  
8. amount of \$187.50, plus per diem interest in the amount of at \$20.83 per diem from May  
9. 10, 2010 through November 8, 2010, plus late fees of \$8,000.00 for a total principal and  
10. interest of \$211,978.56; and it is further ordered

11.       ORDERED that Bank of America shall have judgment jointly and severally  
12. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,  
13. individually and against the marital community, and against the BLACK HAWK,  
14. Official No. 515015, its engines, machinery, appurtenances, etc., based on the ISDA  
15. Confirmation and Guaranty the amount of \$202,000, plus per diem interest in the amount  
16. of \$37.63 per diem from May 10, 2010 through November 8, 2010, for a total principal  
17. and interest of \$208,848.66; and it is further

18.       ORDERED that Bank of America shall have judgment jointly and severally  
19. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,  
20. individually and against the marital community, and against the BLACK HAWK,  
21. Official No. 515015, its engines, machinery, appurtenances, etc., in the amount of

1. \$25,022.75 representing costs *in custodia legis* to arrest and keep the BLACK HAWK  
2. since the time of arrest through the present, and it is further

3.       ORDERED that Bank of America shall have judgment jointly and severally  
4. against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,  
5. individually and against the marital community, and against the BLACK HAWK,  
6. Official No. 515015, its engines, machinery, appurtenances, etc., in the amount of  
7. \$13,707.09, representing attorneys' fees and costs for attorneys' fees and expenses  
8. incurred in the enforcement of the Preferred Ship Mortgages; and it is further  
9.

10.       ORDERED that Bank of America shall have a total judgment jointly and  
11. severally against Sound Freight Lines, Inc., Kay L. Washburn and Daniel L. Washburn,  
12. individually and against the marital community, and against the BLACK HAWK,  
13. Official No. 515015, its engines, machinery, appurtenances, etc., in the amount of  
14. \$3,734,434.31, plus per diem interest of \$356.79 from November 8, 2010; and it is  
15. further  
16.

17.       ORDERED that the United States Marshal shall, pursuant to Supplemental  
18. Admiralty Rule E(9) and to Local Admiralty Rules 145, 150, and 155 and cause the  
19. BLACK HAWK, Official No. 515015, its engines, machinery, appurtenances, etc., to be  
20. sold, free of all liens and encumbrances on the date and time hereafter arranged and  
21. agreed to by plaintiff and the U.S. Marshal; and it is further  
22.

23.       ORDERED that at the sale by the U.S. Marshal of the BLACK HAWK, Bank of  
24. America shall be permitted to bid all or part of its judgments hereunder without cash  
25. deposit, plus accrued interest and accrued costs *in custodia legis*.  
26.

1. DATED this 10<sup>th</sup> day of November, 2010.

2.   
3. RONALD B. LEIGHTON  
4. UNITED STATES DISTRICT JUDGE

5.  
6.  
7. Presented By:

8. HOLMES WEDDLE & BARCOTT

9.  
10. s/ John E. Casperson

11. John E. Casperson

12. 999 Third Avenue, Suite 2600

Seattle, Washington 98104

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Attorney for Plaintiff

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